

APPENDIX A.5

SUMMARY OF PRINCIPAL REGULATIONS UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, LIABILITY, AND COMPENSATION ACT (CERCLA)

The following sections provide a summary of the principal regulations developed pursuant to CERCLA that may apply to the food processing industry. The regulations included are:

- **40 CFR 302** - Designation, Reportable Quantities, and Notification

40 CFR 302

Designation, Reportable Quantities, and Notification

Designation of Hazardous Substances, 40 CFR 302.4

Requirements	Regulatory Threshold
<p>Under Section 102(a) of CERCLA, these regulations identify reportable quantities of hazardous substances and set forth reporting requirements of releases.</p> <p>Listed hazardous substances are in 40 CFR 302, Table 302.4 and are designated as "hazardous under Section 102 (a) of CERCLA." Also included are "unlisted" hazardous substances which are defined in 40 CFR 302.4(b) as characteristics of hazardous waste.</p>	<p>The Table includes the reportable quantities of these substances. Unlisted hazardous substances have reportable quantity limit of 100 pounds (40 CFR 302.5), except for unlisted hazardous wastes that exhibit extraction procedure (EP) toxicity as identified in Part 261 which vary based on the reportable quantity of the pollutant of concern and its lowest value in Table 40 CFR 302.4. Appendix A of 40 CFR 302.4 contains a sequential Chemical Abstract Service (CAS) number listing of chemicals and Appendix B contains a listing of regulated radionuclides.</p>

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Notification Requirements, 40 CFR 302.6

Requirements	Regulatory Threshold
<p>Facilities which release reportable quantities established in 40 CFR 302, Table 302.4 must immediately notify the National Response Center at (800) 424-8802 or in the Washington D.C. area at (202) 426-2675.</p> <p>40 CFR 302, Table 302.4 is used to determine whether the regulations apply to a specific facility based on chemicals that are released.</p>	<p>Exposure to persons within a workplace is excluded. Reportable quantities range from 1 to 5,000 pounds. Release means any spill, leak, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment. Specific requirements for various types of radionuclides, including those which are exempt from reporting to the National Response Center are given in 40 CFR 302.6.</p>

APPENDIX A.6

SUMMARY OF PRINCIPAL REGULATIONS UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT

The following sections provide summaries of the principal regulations developed pursuant to RCRA that may apply to the food processing industry. The section includes:

- C **40 CFR 261.5 and 262.34** - Generator Classifications and Requirements
- C **40 CFR 262** - Hazardous Waste Generator Requirements
- C **40 CFR 263** - Hazardous Waste Transporter Requirements
- C **40 CFR 268** - Land Disposal Restrictions
- C **40 CFR 280** - Underground Storage Tanks (UST)

40 CFR 261.5 and 262.34

Generator Classifications and Requirements

Conditionally Exempt Small Quantity Generator (CESQG)

Requirements	Affected Facility
<ul style="list-style-type: none">• Make hazardous waste determination under 40 CFR 262.11• Waste must be managed and disposed in a hazardous waste facility, or a landfill or other facility approved by the State for industrial or municipal wastes• Must comply with 40 CFR 261.5(g) to be excluded from requirements under 40 CFR 262 through 266, 268, and 270.	<ul style="list-style-type: none">• Generate 100 kg/month (220 lbs/month) or less of hazardous waste, or• Generate 1 kg/month (2.2 lbs/month) or less of acute hazardous waste, or• Accumulate up to 1,000 kg (2,200 lbs) of hazardous waste onsite at any time

40 CFR 262

Hazardous Waste Generator Requirements

Small Quantity Generator (SQG)

Requirements	Affected Facility
<ul style="list-style-type: none">• Subject to regulation under 40 CFR 262 through 266, 268, and 270.• Special requirements under 40 CFR 265.201 for accumulating hazardous waste in tanks.• May not accumulate more than 6,000 kg of hazardous waste at any time.• May not accumulate hazardous waste onsite for longer than 180 days (270 days if waste must be transported over 200 miles to hazardous waste facility), otherwise hazardous waste storage permit required.	<ul style="list-style-type: none">• Generate more than 100 kg/month (220 lbs/month) of hazardous waste, but less than 1,000 kg/month (2,200 lbs/month) of hazardous waste, or• Accumulate more than 1,000 kg (2,200 lbs), but less than 6,000 kg of hazardous waste at any time

Large Quantity Generator (LQG)

Requirements	Affected Facility
<ul style="list-style-type: none">• Subject to regulation under 40 CFR 262 through 266, 268, and 270.• May not store hazardous waste onsite for more than 90 days, otherwise hazardous waste storage permit required.	<ul style="list-style-type: none">• Generate 1,000 kg/month (2,200 lbs/month) or more of hazardous waste, or• Generate 1 kg/month (2.2 lbs/month) or more of acutely hazardous waste, or• Generate 100 kg/month (220 lbs/month) or more of spill cleanup debris containing an acutely hazardous waste, or• Accumulate 1 kg (2.2 lbs) or more of acutely hazardous waste at any time

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40 CFR 262 - HAZARDOUS WASTE GENERATOR REQUIREMENTS		
Requirements	Description	Affected Facility
EPA ID Number 40 CFR 262.12	<ul style="list-style-type: none"> Cannot treat, store dispose of, or transport hazardous waste without EPA ID Number 	LQG or SQG that transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal
Subpart B - Manifest Requirements 40 CFR 262.20-260.33	<ul style="list-style-type: none"> Cannot offer hazardous waste to transporter or to treatment, storage, or disposal facilities that do not have an EPA ID Number Must complete and sign EPA form 8700-22 or 8700-22A for each shipment of hazardous waste 	
Subpart C - Pre-transport Requirements 40 CFR 262.30-262.34	<ul style="list-style-type: none"> Must label and package hazardous waste in accordance with DOT regulations (49 CFR Parts 172, 173, 178, 179) prior to transport Accumulation in units that comply with Subpart I of 40 CFR 265 (containers), or Subpart J of 40 CFR 265 (tanks) Accumulation in units that comply with air emission standards identified in 40 CFR 265 Subparts AA (process vents), BB (equipment leaks) and CC (tanks, surface impoundments and containers) and with Subpart DD (containment buildings) 	<p>SQGs allowed up to 180 (or 270) days for accumulating hazardous waste without a storage permit</p> <p>May accumulate wastes up to 90 days without storage permit</p>
Subpart D - Recordkeeping and Reporting 40 CFR 262.40-262.44	<ul style="list-style-type: none"> Must develop and maintain a contingency plan for storing wastes onsite Maintain copies of manifest for three years Must prepare and submit Biennial Report Must file exception report if manifests not received by designated facility within 35 days (LQG) or 60 days (SQG) 	SQG exempt from biennial reporting requirements

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40 CFR 262 - HAZARDOUS WASTE GENERATOR REQUIREMENTS		
Requirements	Description	Affected Facility
Subpart E - Exports of Hazardous Waste 40 CFR 262.50-262.57	<ul style="list-style-type: none"> • Notify EPA 60 days before shipment • Must confirm waste receipts or file an exception report • Must file a Summary Report of Foreign Activity on March 1 of each year 	
Subpart F - Imports of Hazardous Waste 40 CFR 262.60	<ul style="list-style-type: none"> • Must prepare manifest that identifies foreign generator and importer • Must comply with all other generator standards in 40 CFR 262 	

40 CFR 263 Hazardous Waste Transporter Requirements

40 CFR 263 - HAZARDOUS WASTE TRANSPORTER REQUIREMENTS		
Requirements	Description	Affected Facility
EPA ID Number 40 CFR 263.11	<ul style="list-style-type: none"> • Must obtain an EPA ID Number in order to transport hazardous waste 	Persons who transport hazardous waste within the U.S. if manifest is required under 40 CFR Part 262.
Transfer Facility Requirements 40 CFR 263.12	<ul style="list-style-type: none"> • May store manifested shipments for ten days or less, otherwise subject to hazardous waste storage requirements under 40 CFR 264, 265, 268, and 270 	
Manifest and Recordkeeping Requirements 40 CFR 263.20	<ul style="list-style-type: none"> • Cannot receive a waste shipment unless accompanied by a hazardous waste manifest 	
Hazardous Waste Discharges 40 CFR 263.30	<ul style="list-style-type: none"> • Take appropriate action • Notify proper authorities 	

40 CFR 268

Land Disposal Restrictions - Certification and Notification

40 CFR 268 - GENERATOR - CERTIFICATION AND NOTIFICATION		
Requirements	Description ¹	Affected Facility
Waste Analysis and Recordkeeping for Generators 40 CFR 268.7(a)	<ul style="list-style-type: none">C Must determine if waste is restricted from land disposalC If waste does not meet treatment standards in 40 CFR 268 Subpart D, must provide a one-time notification to treatment or storage facility receiving wasteC If waste meets treatment standards in 40 CFR 268 Subpart D, must submit a one-time notification and certification to treatment, storage, or disposal facility receiving the wasteC If accumulating and treating restricted wastes onsite, must develop waste analysis plan and keep in files onsiteC Maintain copies of records, certifications, and notices for three years. Records may be maintained electronically	LQGs and SQGs

¹ EPA recently amended the LDR regulations. For more information, see the Federal Register Vol. 62 No. 91; May 12, 1997.

40 CFR 280 - UNDERGROUND STORAGE TANK REQUIREMENTS		
Requirements	Description	Affected Facility
Design, Construction, Installation, and Notification (Subpart B)	<ul style="list-style-type: none">C New USTs (installed after December 1988) must meet performance standards detailed in 40 CFR 280.20C All existing UST systems (installed before December 1988) must be upgraded to meet standards detailed in 40 CFR 280.21 by December 1998C Notify State and/or local agencies upon the installation and use of new UST systems (40 CFR 280.22)	All owners and operators of underground storage tank systems as defined in 40 CFR 280.12 (See Section 280.10 (b-d) for exceptions)

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40 CFR 280 - UNDERGROUND STORAGE TANK REQUIREMENTS		
Requirements	Description	Affected Facility
General Operating Requirements (Subpart C)	<ul style="list-style-type: none"> c Must ensure the prevention of releases through spill and overfill control, proper corrosion protection, use of compatible materials, and proper and appropriate repairs to the UST system c Reporting requirements include notification, reports of all releases (suspected and confirmed), corrective action, and permanent changes in service or closure. c Recordkeeping requirements include documentation of corrosion controls, UST system repairs, release detection compliance 	
Release Detection (Subpart D)	<ul style="list-style-type: none"> c Must provide a method or combination of methods to detect leaks and releases from the UST system c Must comply with release detection requirements according to the schedule set forth in 40 CFR 280.40(c) c Petroleum USTs must comply with release detection requirements under 40 CFR 280.41 c Hazardous substance USTs must comply with release detection requirements under 40 CFR 280.42 c Must maintain records demonstrating compliance with release detection requirements 	
Release Reporting, Investigation, and Confirmation (Subpart E)	<ul style="list-style-type: none"> c Must report any suspected releases within 24 hours or another reasonable time period specified by implementing agency c Must investigate and confirm any suspected releases c Must contain and cleanup any release, and report to implementing agency 	
Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances (Subpart F)	<p>In the event of a release:</p> <ul style="list-style-type: none"> c Must notify implementing agency upon confirmation of a release, and take action as necessary 	UST systems that manage petroleum or hazardous substances.

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40 CFR 280 - UNDERGROUND STORAGE TANK REQUIREMENTS		
Requirements	Description	Affected Facility
Out-of-Service UST Systems and Closure (Subpart G)	<ul style="list-style-type: none">C Must notify within 30 days of permanent closureC Must maintain records to demonstrate compliance with closure requirements in accordance with 40 CFR 280.34	
Financial Responsibility (Subpart H)	<ul style="list-style-type: none">C Must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases	

APPENDIX A.7

PROPOSED AND PENDING REGULATIONS

CWA	
Pending SPCC Proposals	October 22, 1991 (56 FR 45612) February 17, 1993 (58 FR 8824) December 2, 1997 (62 FR 63811)
CAA: MACTs Affecting SIC Code 20 Facilities:	
MACTs affecting the SIC Code 20 facilities include: Aerosol Can-Filling Facilities, Baker's Yeast Manufacturing, Cellulose Food Casing Manufacturing, and Vegetable Oil Production	November 15, 2000
CEPPO's the use of NAICS codes: <i>Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112 (r)(7) Amendments.</i>	Proposed rule: 63 FR 19216, April 17, 1998. Final rule anticipated October 1998.
SDWA	
Interim Enhanced Surface Water Treatment Rule and Stage 1 Disinfection Byproduct Rule	November 1998 - Propose Rule November 1999 - Final Rule November 2001 - Implementation
State II Disinfection Byproducts Rule	May 2002 - Propose Rule
Filter Backwash Recycling Rule	May 2002 - Final Rule
Groundwater Disinfection Rule: Issue regulations requiring disinfection for all public water systems, including surface water systems and "as necessary" groundwater systems, and promulgate criteria for determining whether to require in groundwater systems.	After August 1999 By May 2002
Long Term 1 Enhanced Surface Water Treatment Rule (LTESWTR)	November 2000 - Final Rule